



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent or Utilities, a monetary Order for unpaid rent or utilities, a monetary Order for money owed or compensation for damage or loss, and a monetary Order for damage.

The Landlord stated that his Application for Dispute Resolution, the Notice of Hearing and documents the Landlord submitted with the Application for Dispute Resolution were sent to the Tenants, via registered mail, although he cannot recall the date of service. The Tenants acknowledged receiving the Application for Dispute Resolution.

The Tenants filed an Application for Dispute Resolution, in which the Tenants applied for a monetary Order for money owed or compensation for damage or loss and for an Order requiring repairs to the rental unit.

The female Tenant stated that the Tenants' Application for Dispute Resolution, the Notice of Hearing and documents the Tenants submitted with the Application for Dispute Resolution were sent to the Landlord, via registered mail, on June 12, 2017. The Landlord acknowledged receiving the Application for Dispute Resolution.

On June 13, 2017 the Tenants submitted an Amendment to an Application for Dispute Resolution in which they applied to cancel a Notice to End Tenancy for Unpaid Rent. The female Tenant stated that the Amendment was personally served to the Landlord on July 13, 2017 or July 20, 2017. The Landlord acknowledged receipt of the Amendment.

On June 09, 2017 the Tenants submitted 10 pages of evidence and a USB device to the Residential Tenancy Branch. The female Tenant stated that this evidence was served to the Landlord with the Amendment to an Application for Dispute Resolution on July 13, 2017 or July 20, 2017. The Landlord acknowledged receiving the USB device. He stated that he could view the photographs on the device but he could not view the text messages the Tenants contend were on the device.

I was unable to open the USB device during the hearing. I was able to open the device after the hearing but was unable to view any of the files on the device.

As the Landlord acknowledged being able to view the digital images of the rental unit on the device, I find it appropriate that those images be considered as evidence. As I was unable to view the images on the USB device, I find it appropriate to provide the Tenants with an opportunity to re-submit a USB device with the identical images to the Residential Tenancy Branch. In the event the Tenants submit another USB device with the identical images to the Residential Tenancy Branch by September 15, 2017, I will consider that evidence.

In the event the Tenants do not submit another USB device with the identical images to the Residential Tenancy Branch by September 15, 2017, I will adjudicate this matter without viewing those images.

At the hearing the Landlord and the Tenants mutually agreed to set aside the Ten Day Notice to End Tenancy that was served on June 09, 2017 and they mutually agreed to end this tenancy on August 13, 2017. On the basis of this mutual agreement the Landlord is being granted an Order of Possession. That Order of Possession is being provided with this interim decision to reduce any negative impact the delay in rendering a final decision will have on the Landlord.

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on August 13, 2017. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: August 08, 2017

Residential Tenancy Branch